

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK



PS

MICHAEL C. DOLLISON,

Petitioner,

v.

NASSAU COUNTY,

Respondent.

ORDER

1:17-CV-00161 EAW

Petitioner Michael C. Dollison ("Petitioner"), currently on parole, has filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. (Dkt. 1).

The filing fee for a petition for writ of habeas corpus is \$5.00. 28 U.S.C. § 1914(a). Whenever a prisoner submits a petition for writ of habeas he must either: (1) pay the filing fee; or (2) submit a motion to proceed *in forma pauperis* that, pursuant to 28 U.S.C. § 1915(a)(1) and Rule 3(a)(2) of the Rules Governing Section 2254 Cases, includes: (a) an affidavit or affirmation setting forth information that establishes that the petitioner is unable to pay the fees and costs for the proceedings; and, if applicable, (b) a Prison Certification Section completed and signed by an authorized officer of the institution in which the prisoner is incarcerated.

Petitioner did not prepay the \$5.00 filing fee nor did he submit a motion to proceed *in forma pauperis*. In light of Petitioner's release from custody, he does not need to submit a completed and signed Prison Certification Section.

ORDER

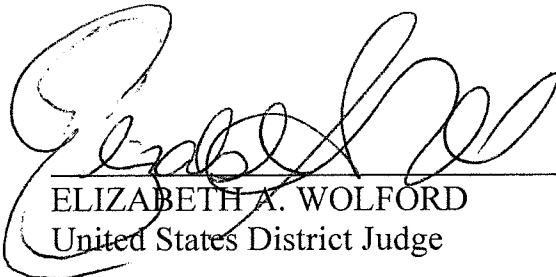
For the reasons set forth above, IT IS HEREBY ORDERED that the Clerk of Court is directed to administratively terminate this action without prejudice without filing the Petition or assessing a filing fee;

FURTHER, that the Clerk of Court is directed to send to Petitioner a form motion to proceed *in forma pauperis*;

FURTHER, that if Petitioner wishes to re-open this action, he shall so notify the Court, in writing, no later than **thirty days from the date of this Order**; Petitioner's writing shall include either a motion to proceed *in forma pauperis*, or the \$5.00 filing fee;

FURTHER, that upon the Petitioner's submission of a motion to proceed *in forma pauperis*, or the \$5.00 filing fee, the Clerk of Court shall re-open this case.

SO ORDERED.



ELIZABETH A. WOLFORD
United States District Judge

Dated: March 14, 2017
Rochester, New York